

REMARKS

Claims 1-61 remain in connection with the present application.

ELECTION/RESTRICTION

In the Examiner's Office Action, the Examiner requests Applicants to elect one of the following inventions from the Groups including:

- I. *Group I*** - claims 1-22, drawn to a process (for cleaning an automated milking system);
- II. *Group IIA*** - claims 23-49, drawn to an apparatus (cleaning arrangement in an automated milking system); and
- III. *Group IIB*** – claims 50-61, drawn to an apparatus (disinfecting or sterilizing arrangement in a resting, milking or feeding station).

By this reply, Applicants elect Group IIA, including claims 23-49, *with* traverse.

UNITY OF INVENTION

The Examiner has applied the Unity of Invention standards under PCT Rule 13.1 and 13.2. According to the Examiner, the groups of claims do not relate to a single general inventive concept because they lack the same or corresponding “*special technical feature*.” This is because, according to the Examiner, there is no special technical feature that defines a contribution over the prior art in claims 1-61 as demonstrated by U.S. Patents 4,222,346 and 5,881,559.

Applicant recognizes that whether or not any particular technical feature makes a contribution over the prior art, and therefore constitutes a “*special technical feature*” may be

considered with respect to novelty and inventive step. That is, the Examiner may consider the prior art in making his Unity of Invention determination. In this case, however, the Examiner has not provided any comments whatsoever as to how U.S. Patents 4,222,346 and 5,881,559 teach or suggest each and every feature of the invention defined by the claims of Groups I, IIA, and IIB. Without this information, Applicants cannot properly respond to the Restriction Requirement. As a result, the basis for the Restriction Requirement is incomplete. If the Examiner maintains the Restriction Requirement, then he should at least point out (by column and line) how the asserted references meet each and every feature of the invention defined by the claims of Groups I, IIA, and IIB.

Furthermore, Applicant respectfully submits that independent claim 23 (of Group IIA) contains similar technical features to those set forth in independent claim 1 (of Group I). Accordingly, at least claims 1-49 should be examined in the instant application.

Further, upon the allowance of a claim with a “*special technical feature*” and/or allowance of a generic claim, Applicant respectfully requests rejoinder of all claims containing that “*special technical feature*” and/or all claims dependent on that generic claim.

NO SERIOUS BURDEN ON EXAMINER

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP Sections 802.01, 806.04, 808.01) or distinct as claimed (see MPEP Sections 802.01, 806.05 - 806.05(i)); and

(B) There must be a serious burden on the Examiner if restriction is required (see MPEP Sections 803.02, 806.04(a) - 806.04(i), 808.01(a), and 808.02).

Applicants submit that the search required for Groups I, IIA and IIB would not place an undue or serious burden on the Examiner. Additionally, the number of claims is not excessive, and there are features common to each of the independent claims which may be found in a single search.

Further, if the search and examination of an entire application can be made without serious burden, as is the case here, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP 803. Accordingly, for this additional reason, Applicants kindly request the Examiner to withdraw the restriction requirement and search each of claims 1-61.

RIGHT TO PETITION/DIVISIONAL FILINGS

Applicants reserve the right of Petition under 37 C.F.R. 1.144 should the Examiner make the Restriction Requirement final. Applicants also reserve the right to file a divisional application for the non-elected claims at a later stage, depending on the results of examination of the elected claims.

CONCLUSION

An early indication of the allowability of each of claims 1-61 in connection with the present application is earnestly solicited.

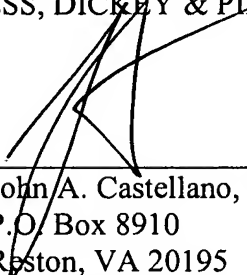
In the event that any matters remain at issue in the application, the Examiner is invited to contact the undersigned in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

JAC/EGH/cm